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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P. (S) No. 6366 of 2007**

**PETITIONERS**

1. Mohanlal Sahu aged 44 years, Assistant Teacher, Son of late Shri Ghasiram Sahu, Primary School, Jhasarkera Tahsil and Block Magarlod, Distt. Dhamtari C.G.
2. Kewal ram aged 44 years, Son of Shri Baliyar ram Sahu, Assistant Teacher, Middle School Bhainsmundi, Tahsil and Block Magarlod, Distt. Dhamtari (C.G.)
3. Chandansingh aged 49 years, Son of Bishalram Sahu, Assistant Teacher, Primary School, Lader Block Magarlod, Distt. Dhamtari C.G.
4. Goverdhansingh Patel aged 50 years, Son of Padmanlal Patel, Assistant Teacher, Primary School Deogaon, Block Magarlod, Distt. Dhamtari (C.G.)
5. Pawan Kumar Sahu aged 45 years Son of Shri Bishalram Sahu, Assistant Teacher, Primary School, Jhiriya Block Magarload, Distt. Dhamtari C.G.
6. Kalyansingh Sahu aged 46 years Son of Guhanram Sahu, Assistant Teacher, Primary School, Ravangudha, Distt. Dhamtari C.G.
7. Shri Nimesh Singh aged 40 years Son of late Shri A.B. Singh, Assistant Teacher, Primary School, Chichola Block and Tahsil Khairagarh, Distt. Rajnandgaon
8. Smt. Veena Singh aged 42 years Wife of Shri Shivendra Singh, Assistant Teacher, Middle School, Ranka Block Dongargarh, Distt. Rajnandgaon
9. Smt. Neeta Singh aged 42 years, Daughter of Shri Kamalsingh Garharwar, Assistant Teacher, Primary School, Khairbana, Block and Tahsil Khairagarh, Distt. Rajnandgaon

10 Smt. Sobhana Gayakwad aged 41 years, Wife of Shri C.P. Gayakwad, Assistant Teacher, Govt. Middle School, Badhaitola Block Khairagarh, Distt. Rajnandgaon

11 Girish Singh Baghel aged 48 years, Son of late Shri Jodhasingh Baghel, Assistant Teacher, Primary School, Chandeni, Block and Tahsil Khairagarh, Distt. Rajnandgaon

12 Narendra Mariya aged 35 years, Son of Gariba Mariya, Assistant Teacher, Primary School Kauhakuda, Block and Tahsil Rajnandgaon, Distt. Rajnandgaon.

***Versus***

**RESPONDENTS**

1 The State Government of Chhattisgarh, Through the Secretary, Education Department, D.K.S. Bhawan, Raipur (C.G.)

2 The District Education Officer, Dhamtari (C.G.)

3 The District Education Officer Rajnandgaon (C.G.)

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA**

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**Appearance:**

Shri Ajay Shrivastava, counsel for the petitioners.

Shri Pradeep Singh, Panel Lawyer for the State on advance copy.

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**ORAL ORDER**
**(31.10.2007)**

**SUNIL KUMAR SINHA, J**

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed D.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}***. He submits

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that the case of the petitioners is squarely covered by the said judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired D.Ed. Examination Certificate on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

vatti